

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shania Roach	Team: Team # 1	CCRB Case #: 201404625	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/09/2014 4:42 PM	Location of Incident: Cypress Avenue and Cooper Avenue; 104th Precinct stationhouse	Precinct: 104	18 Mo. SOL 11/9/2015	EO SOL 11/9/2015	
Date/Time CV Reported Mon, 05/12/2014 7:14 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 05/12/2014 7:14 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Patrick Sullivan	00881	949704	104 PCT
2. SGT Harjit Singh	01588	929177	104 PCT
3. POM Sean Hynes	10188	943385	104 PCT
4. POM Sean Christian	07051	932143	104 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Patrick Sullivan	Abuse: At Cypress Avenue and Cooper Avenue in Queens, PO Patrick Sullivan refused to provide his name to § 87(2)(b)	
B.POM Sean Christian	Abuse: At Cypress Avenue and Cooper Avenue in Queens, PO Sean Christian refused to provide his name to § 87(2)(b)	
C.POM Sean Hynes	Abuse: At Cypress Avenue and Cooper Avenue in Queens, PO Sean Hynes refused to provide his name to § 87(2)(b)	
D.POM Sean Christian	Abuse: At Cypress Avenue and Cooper Avenue in Queens, PO Sean Christian threatened § 87(2)(b) with the use of force.	
E.POM Patrick Sullivan	Discourtesy: At the 104th Precinct stationhouse, PO Patrick Sullivan spoke rudely to § 87(2)(b)	
F.POM Patrick Sullivan	Off. Language: At the 104th Precinct stationhouse, PO Patrick Sullivan made remarks to § 87(2)(b) based upon her sex.	

Officer(s)	Allegation	Investigator Recommendation
G.SGT Harjit Singh	Off. Language: At the 104th Precinct stationhouse, SGT Harjit Singh made remarks to § 87(2)(b) based upon her sex.	

### Case Summary

On May 9, 2014, at approximately 4:42 p.m., § 87(2)(b) was pulled over at Cypress Avenue and Cooper Avenue in Queens by PO Patrick Sullivan, PO Sean Christian, and PO Sean Hynes of the 104<sup>th</sup> Precinct. When the officers approached § 87(2)(b)'s vehicle, she requested their names and shield numbers and they did not provide the information (**Allegations A, B, C**). After § 87(2)(b) refused to exit her vehicle upon request, PO Christian threatened to pepper-spray her (**Allegation D**). After § 87(2)(b) was transported to the 104<sup>th</sup> Precinct stationhouse, she was placed in a holding cell. PO Sullivan entered the holding cell area and said to himself, "These fucking people," and called § 87(2)(b) a "bitch" (**Allegations E**). § 87(2)(b) yelled for a sergeant and SGT Harjit Singh of the 104<sup>th</sup> Precinct arrived. After § 87(2)(b) told SGT Singh that PO Sullivan "called her out her name," SGT Singh said, "Call me a bitch," (**Allegation F**). § 87(2)(b) called the father of her daughter, § 87(2)(b), to inform him that she was arrested. After their conversation ended, PO Sullivan said, "She's ain't no wife. You're just a baby's mother. Ghetto, hoodrat trash," (**Allegation G**). § 87(2)(b) was charged with § 87(2)(b).

### Mediation, Civil, and Criminal Histories

This case was not eligible for mediation. § 87(2)(b) § 87(2)(b) of Claim with the City of New York was requested on December 24, 2014, and will be added to the case file when received.

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl. A10).
- PO Sullivan has been a member of the service for four years and there is one substantiated CCRB allegation against him. Command discipline was issued for case 201104522, for a discourtesy allegation (encl. A5).
- PO Christian has been a member of the service for eleven years and there are no substantiated CCRB allegations against him (encl. A6).
- PO Hynes has been a member of the service for seven years and there are no substantiated CCRB allegations against him (encl. A8).
- SGT Singh has been a member of the service for thirteen years and there are two substantiated CCRB allegations against him. Command discipline was issued for case 200400141, for frisk and discourtesy allegations (A9).

### Findings and Recommendations

Although § 87(2)(b) only identified one officer by the name of PO Banks, the investigation determined that officer to be PO Christian.

### Allegations Not Pleaded

Shortly before § 87(2)(b)'s vehicle was taken into police custody, § 87(2)(b) saw PO Hynes leaning into the driver's seat of her vehicle. § 87(2)(b) did not know who drove her vehicle to the 104<sup>th</sup> Precinct stationhouse or who vouchered it. PO Sullivan acknowledged that he inventoried and vouchered § 87(2)(b)'s vehicle at the stationhouse for safekeeping. § 87(2)(g)

## Recommendations

**Allegation A- Abuse of Authority: At Cypress Avenue and Cooper Avenue in Queens, PO Patrick Sullivan refused to provide his name to § 87(2)(b)**

**Allegation B- Abuse of Authority: At Cypress Avenue and Cooper Avenue in Queens, PO Sean Christian refused to provide his name to § 87(2)(b)**

**Allegation C- Abuse of Authority: At Cypress Avenue and Cooper Avenue in Queens, PO Sean Hynes refused to provide his name to § 87(2)(b)**

§ 87(2)(b) stated that PO Sullivan, PO Hynes, and PO Christian refused to provide their names and shield numbers when asked. PO Sullivan stated that after § 87(2)(b) questioned whether he, PO Christian, and PO Hynes were officers, they identified themselves as police officers approximately twelve times by displaying their shields, guns, and handcuffs. § 87(2)(b) did not ask PO Sullivan for his name, but wanted to see their shields. PO Christian stated that he did not remember if § 87(2)(b) requested the officers' names and shield numbers, but displayed his shield. PO Hynes did not recall if § 87(2)(b) requested names and shield numbers, but stated that the officers showed their shields, radios, firearms, and vehicle.

The officers were presented with a recording of the SPRINT CD during which § 87(2)(b) could be heard asking for officer's names and shield numbers while she was on the phone with IAB; however, the officers did not recall that portion of the incident. § 87(2)(g)

§ 87(2)(b) the IAB officer spoke over § 87(2)(b) § 87(2)(g)

§ 87(2)(g)

**Allegation D- Abuse of Authority: At Cypress Avenue and Cooper Avenue in Queens, PO Sean Christian threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) stated that PO Christian approached her and said, "Let's pepper spray her in the eyes." PO Christian stated that after the driver's side door was unlocked and opened, § 87(2)(b) flailed her arms, put her knees to her chest, and kicked. PO Christian then threatened to pepper-spray § 87(2)(b) if she kicked the officers. According to PO Sullivan, PO Hynes, and Sgt. Singh, after § 87(2)(b) refused to roll down her driver's side window and kicked at the officers while she remained seated in the vehicle, PO Christian removed his pepper spray from his utility belt and told § 87(2)(b) that she would be pepper sprayed if she continued to resist.

According to Patrol Guide Procedure 212-95, pepper-spray is to be used when officers reasonably believe it is necessary to protect self or another from unlawful use of force, effect an arrest or establish physical control of someone who is resisting arrest (encl. A 1-4).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation E- Discourtesy: At the 104th Precinct stationhouse, PO Patrick Sullivan spoke rudely to § 87(2)(b)**

**Allegation F- Offensive Language: At the 104th Precinct stationhouse, PO Patrick Sullivan made remarks to § 87(2)(b) based upon her sex.**

**Allegation G- Offensive Language: At the 104th Precinct stationhouse, SGT Harjit Singh made remarks to § 87(2)(b) based upon her sex.**

§ 87(2)(b) stated that while she was in a holding cell, PO Sullivan entered the holding cell area and said to himself, “These fucking people.” § 87(2)(b) also stated that PO Sullivan called her a “bitch” and said, “She’s ain’t no wife. You’re just a baby’s mother. Ghetto, hoodrat trash.” § 87(2)(b) also alleged that when she told SGT Singh that PO Sullivan called her bitch, SGT Singh said, “Call me a bitch.” PO Sullivan and SGT Singh denied making the alleged statements and PO Christian and PO Hynes did not hear the officers make those statements.

§ 87(2)(b) who was in the holding cell with § 87(2)(b) attributed “bitch” to an unrecalled uniformed officer, and she was ultimately uncooperative with the investigation. The other witnesses who were determined to have been in the holding cell with § 87(2)(b) could not be reached for statements.

§ 87(2)(g)

Team: One

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date